Remarks

Claims 1-22 are pending in the current application. Claims 5-8 and 10-12 stand subject to a restriction requirement. Claim 10 has been amended to more clearly recite the present invention. This restriction requirement is respectfully traversed.

The Examiner cites claims 5-8 and 10-12 as being unrelated species to a generic invention, claim 1. This requirement is respectfully traversed.

Notwithstanding the following remarks and assuming, arguendo, that the Examiner fails to withdraw the restriction requirement, Applicants provisionally elect a combined preparation comprising a phosphatidylserine-stabilized perfluorobutane microbubble dispersion as component I), and a sodium dodecyl sulphate as component ii). Claims 1-12 are readable on the provisionally-elected species.

The present application discloses a combined preparation for use as an ultrasound contrast agent. The combined product comprises two components:

i) an injectable gas dispersion, and

ii) an administerable substance which is capable of destabilizing the gas dispersion towards an increased size.

The Examiner requires restriction between claims 5-8 and claims 10-12 because no feature links the stabilizing agents with the destabilizing agents. It is respectfully

submitted that the Examiner has confused how each of these agents is employed by the present invention. The Examiner seems to be contending that because stabilizing agents and destabilizing agents act in seemingly opposite purposes, there can be no single inventive concept linking them. Applicants respectfully submit, however, that such a contention results from a mis-reading of the present invention.

Applicants respectfully submit that claims 5-8 merely specify more clearly the nature of component i), the gas dispersion. Claims 10-12, meanwhile, specify more clearly the nature of component ii), the administrable substance. It is improper to specify a species between these two separate components, as required by the Examiner, as both components are to be combined to form the present invention. That is, the stabilizing agents are provided with the gas dispersion, while the destabilizing agents are provided with the administrable substance. There should be no need to identify a single link for these two separate elements.

Claim 10 has been amended to more clearly recite the distinction between the elements for which the Examiner requires restriction. Claim 10 now states that the separately administrable substance further comprises the recited features, so as not to be confused with the injectable gas. Claims 5-8 recite further features of the injectable gas.

The Examiner states that the species do not relate to a single inventive concept under PCT Rule 13.1. Applicants respectfully note that the International Preliminary Examination Report found all claims to be both novel and inventive, as well as not

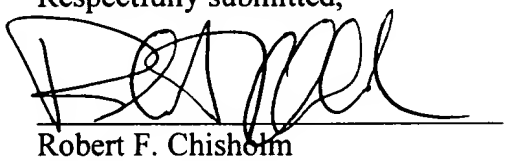
lacking unity. Again, Applicants respectfully submit that the amendment to claim 10 should remove any confusion as to which elements the cited groupings of claims refer.

As the above remarks make clear, Applicants respectfully submit that the instant requirement for restriction is improper. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the instant application, including claims 1-22 are in condition for examination. Favorable action thereon is respectfully requested.

Should the Examiner have any questions with respect to the foregoing, the Examiner is respectfully invited to contact Applicants' undersigned counsel at the telephone number below.

Respectfully submitted,



Robert F. Chisholm
Reg. No. 39,939
Attorney for Applicants

Amersham Biosciences Corp.
800 Centennial Avenue
P. O. Box 1327
Piscataway, NJ 08855-1327

Tel: (732) 980-2930
Fax: (732) 457-8463

H:\DEPT\Law_Dept\IP Dept\Response to Office Action\NIDN10370 (4-1-02).doc

Claims (marked-up version showing amendments)

10. (twice amended) A combined preparation as claimed in claim 1 [comprising] wherein said administrable substance further comprises one or more destabilising substances which induce growth of the dispersed gas by flocculation, aggregation, agglomeration, coalescence, fusion or Ostwald ripening.